G R. S. 59]

(21)

GENERAL AND REVENUE SECRETARIAT.

1908-09
(Gen. Misc.)

File No. 22

Serial Nos. 58 to 70

Papers Filed.

Month August 1909.

SUBJECT.

Application of Mr. T. Dharmaraj Chetty for his acting service on Rs 250/- being reckoned for purposes of increments in his promotion to the 4th class of Assistants.

PREVIOUS REFERENCES.	LATER REFERENCES.

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GENERAL AND REVENUE SECRETARIAT

(Gen. Rise.)

NOTES.

File No. 22-08

FILE HEADING.

The Tyson Civil Service

From

The Revenue Board

No. 11701 Dated 12/15-5-09 Received 16-5-09

Diary No. 4882 Enclos. 2 Spare Copies { Serial No. 58

BRIEF ABSTRACT OF LETTER.

Submits an application from Mr. J. Dhanarajchetty Asst. Comr., requesting that the period of his Service during which he drew a Salary of Rs 250/- may be Counted in granting him the increments of his Grade-

NOTES AND ORDERS.

By "a pay of Rs 250" in the 1st proviso under Rule XI of the Civil Service Rules is evidently meant a Substantive pay of that amount, exclusive of allowances; and only Assistants of the 1st class of Tuticorin on Rs 250/- and

NOTES—First sheet

GPB—30,000—3-4-07.

G.R.S. 12]
General and Revenue Secretariat.

For File No. 22 of 190 8-09

Serial No.

~~Revenue Code provides~~, who are appointed to the Civil Service, are entitled to the benefit of this proviso. In Mr. Dhamaraj Chetty's case the pay proper during the period he refers to was only Rs 200/-. The provision in question does not therefore appear to be applicable to him

21.8.08.

21/5. 2 The proviso to ~~clause~~ Rule XI is intended as a special concession to amildars of the 1st grade (on 250 Rs.) & to munsiffs (on 250 Rs ~~&~~) ~~& others~~ & must be construed strictly. By pay is meant substantive pay & ~~allowances~~ acting & other allces cannot be taken account of.

3 The chances are that a person who rises to the first class of amildars on 250 Rs before he is appointed as an asst Comm must be fairly advanced in age service & his going over ~~the~~ some of ~~his juniors who~~ officers in the A.C's grade by counting ~~the~~ his service on 250 Rs for promotion to the 4th class A.C's does not materially prejudice his younger & more fortunate Compeers who rose to the A.C's grade ~~before~~ from a lower grade of the Amildari than he did

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

4 The present request may be declined

CSB 23/5/09

5) Please draft a brief order stating that Mr D. Chetty's case does not come within the scope of the first proviso to Rule XI, because the pay therein referred to is substantive pay irrespective of allce, & that the case of the pleader referred to in para 3 of his memorial are not in point

CSB 25/5

6. Put up draft

CSB 25/5

7. Draft order is put up accordingly

25/5 Bus.

Put up fair draft

CSB 25/5

Fair draft is put up with diarised 26/5

Submit to Dewan)

CSB 25/5/09

22 27.5.09

Please take the opinion of the Fin Branch & circulate & Consult

9. To H Branch

Sd V Ob

H Chitt 1/13

Sd 12/6

Sd CSB 14/6. Tullock

NOTE—Contn. sheet.

GPB—50.000—18-5-08

Serial No.

10
Mr Dharmaraja chetty says that Messrs Annamanthan Ram & Krishnaswami Rao were allowed to count their acting service as Asst Commrs for earning their promotion and the papers relating to this point may be put up.

15.6.9.

To Br I for kindly putting up the references required.

15/6 VS

12 Please see para 5 of G.O. No G. 6027-99 G.M. 12.06.50 dy 2.4.07 — printed copy whereof has been already put up - Flag J. Br I is not aware of the existence of any other papers on the subject -

16/6.

To Branch V

To Branch II

18/6/09

18.6.09.

Sub
Dy
18/6.

13 - Please put up papers regarding the progressive nature of the appointment of asst Commrs - a point raised by the complr some time ago

19.6.9

14
G.M. 12 of 07-08 (Slos 54 to 62) is sent.

Dy
22/6/09

15 Mr Dharmaraja chetty requests that his service as an acting

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

N

Assistant Commrs may be permitted to be counted as time for earning promotion from the fifth to the fourth class of Assistant Commrs. Under rule X1 of the Civil Service Rules sanctioned in G.O. ✕ dt 27-6-07, an officer appointed as an Asst Commr. if already in receipt of a pay of Rs 250 is permitted to count the time during which he has been drawing that pay, for earning promotion to the fourth class. The benefit of this rule will Dhoraiaraja Chetty cannot have as he was not getting a pay of Rs 250 before his appointment as an Asst Commr.

C

But see Dewan's note dt. 12/7/07-08. which accepts the contrary view. CM 30/7.

16. ✕ For reasons mentioned in the Jumpers letter dt 11-4-08 the appointment of Assistant Commrs appears to be a progressive one and additions to pay allowed periodically are only increments which fall due at the fixed intervals. Under the Service Regulations an officer appointed to a progressive post is allowed to count for earning increments, the time during which he may have officiated in such post and drawn the pay of a particular Stage of it. If the appointment of Asst Commrs is viewed as a progressive one, as from its Nature it appears to be, it is

NOTE—Contn. sheet.

GPB—50,000—1

Serial No.

permissible to count for earning increments periods of acting tenure.

17 As stated by Mr Dharma raja chetty two officers viz Hanumanthu Rau & Krishnaswami Rau have been allowed to count their Subordinate Service (which for purposes of counting time for increments is the same as acting service) as time for earning promotions from the fifth to the fourth class of Asst Commrs but the exact circs under which the arrangement was made are not ascertainable as the Administrative Dept is unable to put up the papers relating to the matter.

24.6.9

Fin Secy)

18- The view that Asst Commrships are appts on progressive pay for all purposes has not been accepted by Govt; and if the Govt propose to interpret the word "pay" in the rule in question strictly as suggested in the administrative Dept notes, I have nothing to say against it.

25/6/09

Subdl Secy

Circulate 26/6

26.6.09

NOTE—Contn. sheet.

GPB—50,000—18-5-08

Serial No.

The view that asst Commrships are not progressive appointments has been discussed and adopted in file G. m. 12 of 1907-08 ~~Sls 5 to 64~~ (Collection for may 1908)

In the cases of m' Vedanta Desigam iyengar & m' R. T. Mahadeva Row Govt declined to count acting service as Asst Commrs for promotion to a higher class of A.C.s. These cases are similar in all respects to m' Dharmaraja chetty's case

There are several inconveniences in Counting acting service for increments. In the case of m' Dharmaraj chetty himself though he acted from early in 1906, Still he was confirmed only in 1908. In 1906 certain other officers, ~~to~~ amildars at the time, were appointed as Asst Commrs such as m' Ranga Row, m' Narayan Row &c. They are entitled to promotion only from 18 June 09. If ~~m'~~ ~~Govt~~ m' Dharmaraj chetty Counts his acting service for promotion he will supersede them, which will be quite unfair to them.

Appointments to the grade of A.C.s are not made in order of seniority among Amildars & it is not open to m' Dharmaraj chetty to question why certain officers were selected in 1906 in preference to him.

File 413 of 06-07 Part B for Jan' 07

File 6 y m. 12 of 07-08 Part B for Aug 07.

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

It will not be fair to the Officers concerned to deprive them of the advantages of the preference they obtained in 1906.

The proviso to Rule XI is meant to operate in the case of amildars of the first grade on 250 Rs. ~~in the case of Munsiffs &c~~ — who are likely to be advanced in age by the time they reach that grade — and in the case of Munsiffs ~~or~~ or other officers on a substantive pay of 250 Rs.

Circulate

Cos
30/6/09.

I concur in the view above set forth.

It has been definitely ruled that acting service as Asstt Collr does not count as time qualifying for promotion to next higher grade. This rule is a wholesome one & should be adhered to. Suppose in every Circle the Officers who are now acting in the Asstt Collr

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

File No of 190

Serial No.

467

Grade for a number of years (B. Ramaswamiah, Lakshmi Shastry &c) in the 5th Class with, whether they are confirmed as Asst Commrs, be entitled to be promoted to 2nd Class at once an anomaly which the rules never contemplated

Rs 9 with Dewan
Has the power to
Any & H.H.? in the
Please table Dewan's
orders on the
point.

28/8/09

2.8.09

3/7/09

tantive Pay
2 reasons to
ld be so con-
f Govt relating
question has
decided a-
forward by
not think that
promotion he

Him

The Dewan not
said he did not
think it necessary
send this up to H.H. Lee
3.8.09

1495
5.7.09

NOTE—Contn. sheet.

GPB—50,000—13.5.08

5/7/09.
Draft appd by Dewan
Lee
1.8.09

5.7

G. R. S. 12]
General and Revenue Secretariat.

Gen File No. 22 of 1908-09

Serial No.	
10	To The Secy Govt in Revenue No 9765 dy 10-8-09 With reference to the request of Mr Dhanumal Chetty cannot be complied with

Note—Contn. sheet.

GPB—50,000—13-5-08

Rev. Comr. Form 12.

190

From

Rajakarya Pravina,

A. RANGASWAMI IYENGAR Esq., B.A., B.L.,

Revenue Commissioner

in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 12th May 1909.

Despatched 15-

Received

No. 11701

Enclosure No. 2.

Submitting for the orders of Government letter No 693 dated the 6th instant from the Deputy Commissioner, Chitaldrug District, in re a memorial from Mr T. Dharmaraj Chetty, Assistant Commissioner, Chitaldrug Subdivision.

Caxton Press, Bangalore,—2000-2-09

No. 11701/2

OFFICE OF THE REV. COMR. IN MYSORE,

Bangalore, 12th May 1909. 190

15

FROM

Rajakarya Pravina,
A. RANGASWAMI IYENGAR, ESQ., B. A., B. L.,
Revenue Commissioner in Mysore.

TO

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

SIR,

I have the honor to submit herewith for the orders of Government letter No. 693 dated the 6th instant, together with its enclosure in original, from the Deputy Commissioner, Chitaldrug District, forwarding for favourable consideration a memorial from T. Dharmaraj Chetty Assistant Commissioner, Chitaldrug ~~District~~ Sub Division, praying that the period during which he was drawing a salary of Rs. 250/- per mensem may be counted towards the increment due to him.

I have the honor to be,

Sir,

Your most obedient servant.

B Ramaswamy

For Revenue Commissioner,

K.K.

B.L.

1908-09.

From

No. 14058

The Deputy Commissioner
Chitaldrug District.

8/5/09

To

The Revenue Commissioner
in Mysore, Bangalore

Dated 6th
Despatched } May 1909
Received

General No. 693
No.

Enclosure No.

Forwarding for favorable Consideration the memorial of M. T. Dhanarajachetty Assistant Commissioner, Chitaldrug Sub Division.

Subd
No
8/5/09.

No. 693

Office of the Deputy Commissioner
Chitaldrug District.
Dated, Chitaldrug 6th. May 1909.

From

M. Chengiah Chetty Esquire B.A.
Deputy Commissioner
Chitaldrug District.

To

Raja Karya Prarina
A. Rangaswami Iyengar Esquire B.A., B.L.,
Revenue Commissioner in Mysore,
Bangalore.

Sir,

I have the honor to forward herewith for favorable consideration the accompanying memorial from Mr. J. Dharmaraja Chetty Assistant Commissioner Chitaldrug Sub Division. It gives me great pleasure to say that Mr. Dharmaraja Chetty has been doing his work most satisfactorily ever since he joined this District. In spite of heavy Criminal file, he has been frequently moving about and keeping himself in touch with the affected parts of his Sub Division.

2. As his representation appears very reasonable, I request you to forward this memorial to

Government

Gouvernement vous prie d'un bienveillant appui.

Je vous prie d'agréer, Monsieur le Ministre,

Mes sentiments les plus distingués.

Le Commissaire
Général du Gouvernement
P.O. Chirac

To

M. Chenjiah Chetty Esqre B.A.

Deputy Commissioner

Chitaldrug

5-5-09

Sir

I have the honor to submit the following representation regarding my pay, and request you to be so good as to forward the same to Government, through the Revenue Commissioner, with your kind support for their favourable orders.

I commenced to act as an Assistant Comr. of the last class so far back as January 1906, and with a slight interruption for about three weeks in April of the same year I continued to act in that capacity right upto 4th Dec'08 on which date I was permanently drafted into the Civil Service of the State, His Highness the Maharaja having been

graciously pleased to nominate me under Rule II clause 2 (a) + Rule XI of the Mysore Civil Service Rules. [Vide G.O. no G. 3405/P. G.M. 22-08-27, dt 4th Dec: '08]

2) In the first proviso under Rule XI of the Mysore Civil Service Rules it is laid down as follows :- "Provided that when an officer thus appointed has been already drawing a pay of Rs 250, the time during which he has been drawing that pay shall count towards the period of three years required for promotion to the 4th Class."

3) During the whole period of my acting as an Asst Comr I have drawn pay at Rs 250, computed as follows :- Pay as Amildar II Class, Rs 200, plus Allowance as Aj. Asst Comr Rs 50 - I therefore beg that I may be allowed the benefit of the above quoted proviso, so that the period during which I earned Rs 250 per mensem may count towards my increment.

4) If I may anticipate a contention that the word 'pay' in the said proviso is to be strictly interpreted as

substantive pay exclusive of allowances, I would beg leave to submit that then the practical effect of the Rule in question would be to make it imply that as between an Ag. Asst Comr, and an Amildar on Rs 200 p. m, the former is inferior to the latter when it comes to a question of confirming the one & appointing the other as Asst Comrs. And I need hardly say that such could never have been the intention of Government in framing the Rule

I may add that the salary drawn by me as an Ag. Asst Comr represented the pay proper of the acting appointment considered in its integrity, and as such is necessarily embraced by the scope of the proviso to Rule XI of the Mysore Civil Service Rules.

Should Government notwithstanding be pleased to think that my claim is not legitimate I beg that the concession shewn to Messrs Gajapa Hanmanthaka, & Mr. G. Krishnaswamy Rao, in whose cases it has been ordered that the period necessary for their promo-

-tion should count from the date on which they commenced to act as Asst Collrs, or that shewn to Mr C. Ramyanathaka Saheb in whose case the period of pro-bation, viz three years, has been condoned may kindly be extended to me.

In conclusion it is my prayer that Government may, in their consideration of my case, be pleased to take in view the many supersessions I have been subjected to, as instances whereof I may mention the cases of Messrs V. Ramojirao, S. Narayanrao, M. P. Visvanath Rao, A. Mrityunjayayer, & M. L. Krishnaswamirao, all of whom were my juniors in the line of Amildars, and who were drawn into the cadre of Asst Collrs only subsequent to me

I have the honor to be
Sir
Your most-obedient servant
V Thanumaya Chetty
A.C.
Chitaldrug.

Chitaldrug.
5th May '09

G.R.S. 28]

for File No. 22 of 09
Serial No. 70

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 190

Date of issue 10. 8. 09

Signed by

READ—

Letter No 11701 dt 12-5-09 from the Revenue to Mysore submitting a memorial from Mr. T. Shamaraj Chetty Asstt Commr requesting that the period during which he

~~ORDER THEREON. No.~~

drew Rs 250/- per mensem (Rs 200, pay as Amildar 2nd class + Rs 50, allowance acting as Asstt Commr) may be counted for the purpose of promotion to the 4th class of Asstt Commrs in accordance with the first

P.T. over para

SUBJECT

GPB—7,000—1-3-07

promo to Rule XI of the Mysore Civil Service Rules of 27-6-07) N

Os/s Thereon No. G 765 d. 12-8-09

Govt: regret that the request of M^r. Thamaraj Chetty cannot be entertained, as his case does not ~~Come~~ come within the scope of the above rule, the pay referred to therein being substantive pay irrespective of allowances.

2. ~~With reference to para 7 of the Memorial~~, It is observed that the cases of Messrs. G. Hanumantha Rau, M.G. Krishnaswamy Rau & Chanpanath Rau Sahib referred to ~~by him~~ in the memorial bear no analogy to that of M^r. Thamaraj Chetty

Sd/- Illegible
for Secy to Govt
27/8/09

To

The Resr Cun^r in Mysore